

Wisel - Cross

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1 A I did. Bits and pieces.

2 Q Did --

3 A A small portion.

4 Q -- Ms. Lindquist ask you to view the video tape or portions  
5 of the video tape during the lunch break?

6 A Yes, she did.

7 Q What parts of the video tape did you see?

8 A I seen the very start of the tape, which started with some  
9 Nickelodeon cartoons. And then I guess towards the end of the  
10 tape were some pay-per-view commercials.

11 Q And this was the tape that's at issue today?

12 A I'm sorry. Yes, that's what I was told.

13 Q Okay. So there were cartoons and some pay-per-view  
14 pictures on the tape as well as what we've been discussing here  
15 in testimony today?

16 A Yes.

17 Q Now I want to -- I think we jumped around a little bit  
18 during Mr. DeVaux's questions. But let's start from the  
19 beginning of your involvement in the incident on November  
20 17th/18th, 2000.

21 A Okay. I was -- I just finished a shift. My investigator  
22 and I had been out working and I just got home. I'm on call 24  
23 hours a day at that time. I just got home. I had crawled into  
24 bed when my phone and my pager started going off. I answered  
25 the phone. It was the military police desk saying that they

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1 to say Sergeant Shaw was in the house, but I'm not 100 percent.  
2 And then secured the weapons. That's when we noticed the tape  
3 and it was screened.

4 Q Now you say "we noticed the tape." Is that you and who  
5 else?

6 A And Mr. Jakeway. Like I said, I can't say 100 percent  
7 whether I pointed it out to him or he pointed it out to me. I  
8 just remember standing there. It was at my feet and it was --  
9 and like I said, I don't remember if I picked it up or he  
10 picked it up. I guess you had testimony he picked it up, but I  
11 can't truthfully remember.

12 Q And it was between the gun cabinet and the wall there by  
13 the bathroom door?

14 A Yes, correct. Right by that edge. I'm sorry. I don't  
15 know if you can see it. Right by the edge where the entry to  
16 the bathroom is.

17 Q Were you able to see the tape, either in its location there  
18 or when Agent Jakeway was -- was holding it?

19 A I could see the tape when it was on the floor. Like I  
20 said, it was almost -- it seemed like it was at my feet almost.

21 Q Was it labelled?

22 A No, it was not.

23 Q On either side?

24 A I couldn't tell on the back side where the sprockets would  
25 be. I did not see the bottom side. The top side where the

1 Honor.

2 MR. METZGER: That's fine.

3 THE COURT: Very well.

4 MR. METZGER: We'll wait. We can wait until after the  
5 jury's excused also.

6 THE COURT: Very well.

7 (Side conversing)

8 (Pause)

9 THE COURT: Ma'am, if you would please come forward  
10 and be sworn as a witness.

11 THE CLERK: If you can please come stand before me.  
12 Please raise your right hand.

13 ANGELA GAIL BIRT, PLAINTIFF'S WITNESS, SWORN

14 THE WITNESS: Yes, I do.

15 THE CLERK: Thank you. You may have a seat in the  
16 witness box. Ma'am, if you can please make sure to speak into  
17 the microphone at all times.

18 THE WITNESS: Okay.

19 THE CLERK: And if you can state your full name and  
20 spell your full name, and state your address.

21 THE WITNESS: My name is Angela Gail Birt. It's A-n-  
22 g-e-l-a, the middle name is Gail, G-a-i-l, last name is Birt,  
23 B-i-r-t. I currently reside at 25 Water's Edge Circle, number  
24 530, in Georgetown, Texas.

25 THE COURT: Thank you, ma'am. You may inquire,